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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re PATENT APPLICATION of

CHODOROWSKI *ET AL.*

Group Art Unit: 1617

Application Serial No.: 09/857,303

Examiner: HUI, S-M.R.

Filed: August 21, 2001

Title: MATERIAL COMPRISING AN ORGANIC UV-A FILTER AND METHOD FOR DISPLACING
THE MAXIMUM ABSORPTION WAVELENGTH

May 1, 2003

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RESPONSE TO RESTRICTION REQUIREMENT/ELECTION OF SPECIES

Mail Stop FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement/species election dated March 26, 2003, the applicants elect

Group I, claims 39-98 directed to a material and method of use of a sunscreen composition comprising metallo-organic compounds of (Ia); and

Species 2, UV-A sunscreen agents.

Claims 39-42, 59-66, 70-84, 86, 88-89, and 96-98 are readable on the elected species.

This election is made with traverse.

Contrary to the examiner's assertion, the inventions listed in the groups and species identified by the examiner (Groups I-VIII and Species 1-3) relate to a single inventive concept pursuant to PCT Rule 13.1. This is because under PCT Rule 13.2, each group does not employ a structurally diverse metallo-organic compound. In fact, all the compounds of formulae Ia, Ib, Ic, Id, IIa, IIb, IIc, and IId have a similar structure – they all possess a central metal atom, M, and at least one alkoxy group (OR₁), which is an organic group. Consequently, all these compounds are metallo-organic compounds and they all have the same structural unit M(OR₁), where M may bear groups other than OR₁ including R, R', R'', X, or M'(OR₁).

Furthermore, all the materials in claim 39 (i.e., comprising, *inter alia*, at least one

metal alkoxide selected from the group consisting of zirconium, titanium, and aluminum alkoxides, at least one organic UV-A sunscreen agent, at least one functionalized organic polymer, at least one solvent, and water) are compounds having a maximum absorption wavelength of from 370 nm to 400 nm.

For at least the reasons above, the restriction requirement and/or election of species is improper.

This response is timely filed as it is accompanied by a petition for an extension of time and the requisite fee.

Respectfully submitted,

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